

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION**

B.P., H.A., and S.H., individually, and on	)	
behalf of all others similarly situated,	)	
	)	
Plaintiffs,	)	No: 2:23-cv-00071-TRM-JEM
v.	)	
	)	
CITY OF JOHNSON CITY, TENNESSEE,	)	
a government entity, et al.	)	
	)	
Defendants.	)	

---

**MOTION TO QUASH BY JUSTIN JENKINS AND BRADY HIGGINS,  
IN THEIR INDIVIDUAL CAPACITIES  
FED. R. CIV. P. 45**

---

The Defendants, Justin Jenkins and Brady Higgins, in their individual capacities, hereby move to quash subpoenas issued by Plaintiffs on or about May 17, 2024, for Jenkins’ financial records from Eastman Credit Union, Appalachian Community Federal Credit Union and Accounting Solutions, LLC, and for Higgins’ financial records from Northeast Community Credit Union. Jenkins and Higgins submit the information sought by the subpoenas is not relevant, nor likely to lead to relevant, admissible evidence, given the nature of the Plaintiffs’ claims and are, at best, a fishing expedition, and at worst, an attempt to harass Jenkins and Higgins.

In addition to the memorandum filed contemporaneously herewith, Jenkins and Higgins also rely upon the following exhibits:

- |       |   |
|-------|---|
| Ex. 1 | Subpoenas sent by Plaintiffs’ counsel             |
| Ex. 2 | Jenkins’ responses to Plaintiffs’ first discovery |

- Ex. 3 Responses of Jenkins and Higgins to Plaintiffs' discovery
- Ex. 4 May 13-16, 2024 emails between counsel re: financial documents
- Ex. 5 4/18/2024 email with attached subpoenas
- Ex. 6 5/16/2024 email re financial subpoenas

For the reasons herein described and more particularly set forth in the accompanying memorandum, Jenkins and Higgins respectfully request that the Court enter an order quashing the subpoenas to entities referenced above and award sanctions to these Defendants for having to file this motion.

Respectfully submitted,

ROBINSON, SMITH & WELLS, PLLC

By: s/ Keith H. Grant

Keith H. Grant, BPR# 023274

Laura Beth Rufolo, BPR# 015622

Philip Aaron Wells, BPR# 036248

Suite 700, Republic Centre

633 Chestnut Street

Chattanooga, TN 37450

Telephone: (423) 756-5051

Facsimile: (423) 266-0474

*Attorneys for Justin Jenkins, Brady Higgins and Jeff Legault, in their individual capacity*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading was filed electronically on May 18, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Robinson, Smith & Wells, PLLC

By: s/ Keith H. Grant

cc: Heather Moore Collins  
Ashley Walter  
HMC Civil Rights Law, PLLC  
7000 Executive Center Dr.  
Suite 320  
Brentwood, TN 37027  
615-724-1996  
Email: heather@hmccivilrights.com

Vanessa Baehr-Jones  
Advocates for Survivors of Abuse  
4200 Park Blvd., No. 413  
Oakland, CA 94602  
Email: vanessa@advocatesforsurvivors.com

Elizabeth A. Kramer  
Kevin M Osborne  
Erickson Kramer Osborne LLP  
44 Tehama Street  
San Francisco, CA 94105  
Email: elizabeth@eko.law  
Email: kevin@eko.law

K. Erickson Herrin  
HERRIN, MCPEAK & ASSOCIATES  
515 East Unaka Avenue  
P.O. Box 629  
Johnson City, TN 37605-0629  
lisa@hbm-lawfirm.com

Emily C. Taylor  
WATSON, ROACH, BATSON & LAURDERBACK, P.L.C.  
P.O. Box 131

Knoxville, TN 37901-0131

etaylor@watsonroach.com

Attorneys for Defendants, Johnson City, Tennessee, Karl Turner, Captain Kevin Peters  
and Investigator Toma Sparks.

Daniel H. Rader III

Daniel H. Rader IV

MOORE, RADER & YORK PC

46 N. Jefferson Avenue

P.O. Box 3347

Cookeville, TN 38502-3347

danrader@moorerader.com

danny@moorerader.com

Counsel for Kevin Peters in his individual capacity

Kristin Ellis Berexa

Ben C. Allen

FARRAR BATES BEREXA

12 Cadillac Drive, Suite 480

Brentwood, TN 37027-5366

kbrexa@fbb.law

ballen@fbb.law

Counsel for Toma Sparks in his individual capacity